

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CHERYL KATER and SUZIE KELLY,
individually and on behalf of all others similarly
situated,

No. 15-cv-00612-RSL

Plaintiffs,

19

CHURCHILL DOWNS INCORPORATED, a Kentucky corporation, and BIG FISH GAMES, INC., a Washington corporation.

**STIPULATION AND ORDER RE:
FINAL CLAIMS DETERMINATIONS**

Defendants.

MANASA THIMMEGOWDA, individually and
on behalf of all others similarly situated,

No. 19-cv-00199-RSL

Plaintiffs.

14

BIG FISH GAMES, INC., a Washington corporation; ARISTOCRAT TECHNOLOGIES INC., a Nevada corporation; ARISTOCRAT LEISURE LIMITED, an Australian corporation; and CHURCHILL DOWNS INCORPORATED, a Kentucky corporation.

STIPULATION AND ORDER RE: FINAL CLAIMS DETERMINATIONS

Defendants

1 SEAN WILSON, individually and on behalf of
2 all others similarly situated,

3 *Plaintiff,*

4 *v.*

5 PLAYTIKA LTD, an Israeli limited company,
6 and CAESARS INTERACTIVE
7 ENTERTAINMENT, LLC, a Delaware limited
liability company,

8 *Defendants.*

No. 18-cv-5277-RSL

**STIPULATION AND ORDER RE:
FINAL CLAIMS DETERMINATIONS**

9 SEAN WILSON, individually and on behalf of
10 all others similarly situated,

11 *Plaintiff,*

12 *v.*

13 HUUUGE, INC., a Delaware corporation,

14 *Defendant.*

No. 18-cv-05276-RSL

**STIPULATION AND ORDER RE:
FINAL CLAIMS DETERMINATIONS**

1

STIPULATION AND ORDER RE:
FINAL CLAIMS DETERMINATIONS

2 The Settlement Agreements in these cases confer upon the Settlement Administrators the
 3 authority to make final and binding decisions on challenges regarding the validity or amount of
 4 any particular claim, and—consistent with the Plans of Allocation—to calculate the final payable
 5 amount of all claims. *See, e.g.*, Settlement Agreement(s) ¶¶ 5.2-5.4. But given the scale, nature,
 6 and complexity of some individual class members' claims, the Parties and the Settlement
 7 Administrators have agreed, subject to Court approval, to delegate that authority (the "Final
 8 Claims Determinations") to the Honorable Layn R. Phillips (Fmr.) of Phillips ADR.

9 Provided the Court grants this motion, Judge Phillips has agreed to make the Final
 10 Claims Determinations. Because Judge Phillips already successfully mediated each of the
 11 settlements, he is the ideal candidate to fulfill the role. In addition, a member of Judge Phillips'
 12 mediation staff has over twenty years' experience in the class action space, including having
 13 previously served as a Vice President at a respected claims administrator that was headquartered
 14 in Seattle, Washington. Moreover, after consulting with Class Counsel, Judge Phillips has
 15 already agreed to implement a set of modest procedures, enumerated in the attached [Proposed]
 16 Order, to efficiently make all Final Claims Determinations. And while Judge Phillips and his
 17 staff will be reimbursed at their regular hourly rates by the Settlement Funds, Class Counsel do
 18 not anticipate that will materially impact class member recoveries, given that the Settlement
 19 Administrators will no longer need to make Final Claims Determinations (nor, in turn, will they
 20 be reimbursed by the Settlement Funds for doing so).

21 Consequently, the Parties respectfully request that the Court enter the below [Proposed]
 22 Order, approving of Judge Phillips' role making Final Claims Determinations and ability to be
 23 fairly reimbursed by the Settlement Funds for fulfilling that role.

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 26 //
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DATED this 25th day of January, 2021.

Respectfully submitted,

By: /s/ Todd Logan

Rafey S. Balabanian*
rbalabanian@edelson.com
Todd Logan*
tlogan@edelson.com
Brandt Silver-Korn
bsilverkorn@edelson.com
Edelson PC
123 Townsend Street, Suite 100
San Francisco, California 94107
Tel: 415.212.9300/Fax: 415.373.9435
Class Counsel

By: /s/ Alexander G. Tieovsky

Jay Edelson*
jedelson@edelson.com
Alexander G. Tievsky, WSBA #57125
atievsky@edelson.com
Edelson PC
350 N LaSalle Street, 14th Floor
Chicago, IL 60654
Tel: 312.589.6370 / Fax: 312.589.6378
Class Counsel

By: /s/ Cecily C. Shiel

TOUSLEY BRAIN STEPHENS PLLC
Cecily C. Shiel, WSBA #50061
cshiel@tousley.com
1700 Seventh Avenue, Suite 2200
Seattle, Washington 98101-4416
Tel: 206.682.5600
Plaintiffs' counsel

*Admitted *pro hac vice*

1 By: s/ Emily Johnson Henn
2

3 Emily Johnson Henn (*pro hac vice*)
4 ehenn@cov.com
5 COVINGTON & BURLING LLP
6 3000 El Camino Real
7 5 Palo Alto Square
Palo Alto, CA 94306
Telephone: (650) 632-4700

8 By: s/ Mark Parris
9

10 Mark Parris (Bar No. 13870)
11 mparris@orrick.com
12 ORRICK HERRINGTON & SUTCLIFFE LLP
701 5th Avenue, Suite 5600
Seattle, WA 98104
Telephone: (206) 839-4320

13 *Attorneys for Defendants Aristocrat Technologies,
14 Inc., Aristocrat Leisure Limited, Big Fish Games,
15 Inc. and Churchill Downs Inc.*

16 DATED: January 26, 2021

17 By: s/ Emily Powell
18 Angelo J. Calfo, WSBA #27079
19 Emily Dodds Powell, WSBA #49351
20 CALFO EAKES LLP
1301 Second Avenue, Suite 2800
Seattle, WA 98101
Tel: 206.407.2200
Fax: 206.407.2224
Email: angeloc@calfoeakes.com
Email: emilyp@calfoeakes.com

22 DATED: January 26, 2021

23 By: s/ Behn Dayanim
24 Behnam Dayanim (*pro hac vice*)
25 PAUL HASTINGS LLP
2050 M Street, NW
Washington, DC 20036
Tel: 202.551.1737
Email: bdayanim@paulhastings.com

26 *Attorneys for Defendant Playtika, Ltd.*

DATED: January 26, 2021

By: /s/ Jaime Drozd Allen

Stuart R. Dunwoody, WSBA #13948
Jaime Drozd Allen, WSBA #35742
Cyrus E. Ansari, WSBA #52966
DAVIS WRIGHT TREMAINE LLP
920 Fifth Avenue, Suite 3300
Seattle, Washington 98104-1610
Tel: (206) 622-3150; Fax: (206) 757-7700
Email: jaimeallen@dwt.com
Email: stuartdunwoody@dwt.com
Email: cyrusansari@dwt.com

Attorneys for Defendant Huuge

ORDER

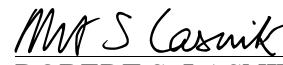
The Parties' stipulated motion is **GRANTED**. For each of the above-captioned cases, the Court orders the following:

1. The Honorable Layn R. Phillips (Fmr.) of Phillips ADR will make all Final Claims Determinations.
2. Specifically, Judge Phillips shall:
 - a. Determine and work with the Settlement Administrators to implement a process by which each claimant shall be informed of the Settlement Administrators' initial determination as to claimant's claim validity, Lifetime Spending Amount and, where applicable, Claim Type (*i.e.*, DRP or GLBA versus Non-DRP or GLBA), and that the claimant has the right within 21 calendar days of receipt of that notice to challenge that initial determination;
 - b. Determine and work with the Settlement Administrators, Class Counsel, and Defendants' counsel to implement a process by which any claimant shall be able to challenge the Settlement Administrators' initial determination as to claim validity (including any late claims), Lifetime Spending Amount and, where applicable, Claim Type;
 - c. Allow, as to any challenges to the Settlement Administrators' initial determination as to claim validity, amount, or type, the Settlement Administrators to first confer with the claimant to explain the determination in an effort to resolve the challenge;
 - d. With respect to any unresolved challenges, finally resolve any challenges to the Settlement Administrators' initial determinations as to claim validity, Lifetime Spending Amount, and Claim Type;
 - e. To the extent deemed appropriate and necessary by Judge Phillips, retain one or more claims administration consultants to review the Settlement Administrators' models and programming for accuracy and to suggest any necessary corrections which will, in the first instance be reviewed by Class Counsel, and then if any issues as to the models and programming remains, be recommended to Judge Phillips, who has the non-appealable final binding decision-making authority;
 - f. Finally determine the amount of each valid claim, consistent with the Plan of Allocation; and
 - g. Determine whether any portion of the Settlement Funds should be held back as Reserve Funds to address any unforeseen circumstances within the claims processes, and if so, work with the Settlement Administrators to implement the distribution of the Reserve Funds to approved claimants.

- 1 3. For the avoidance of doubt, Judge Phillips shall have no authority to increase
- 2 the size of any Settlement Fund, to seek or order additional discovery from
- 3 Defendants, nor to otherwise impact any Defendants' liability or other
- 4 obligations under the Settlement Agreements.
- 5
- 6 4. Judge Phillips' regular hourly rates, as well as the regular hourly rates of any
- 7 Phillips ADR staff Judge Phillips may choose to assist with the Final Claims
- 8 Determinations, along with any authorized consultants retained as deemed
- 9 appropriate in Judge Phillips' discretion, shall be paid from the Settlement
- 10 Funds. Fees shall be billed to a particular Settlement and paid from that
- 11 particular Settlement Fund.
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- 13 5. Judge Phillips shall be provided, and shall treat as Confidential under the
- 14 protective orders entered in these cases, any documents or information
- 15 previously provided to or under the control of the Settlement Administrators.
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17 **IT IS SO ORDERED.**

18 DATED this 26th day of January, 2021.

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22 ROBERT S. LASNIK
23 UNITED STATES DISTRICT JUDGE
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